with little or no fruit juice; the orange variety was misbranded because it was labeled to indicate that it contained orange juice flavor, whereas it contained no orange juice flavor; and the mint variety was misbranded because it was labeled "Pure Fruit Flavor" but contained no fruit flavor. The labels of all products failed to bear a plain and conspicuous statement of the quantity of contents.

On November 7, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cartons of Jelly-Kwik at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about July 29, 1936, by California Jelly-Kwik Co. from Burbank, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were variously labeled in part: "Grape [or "Orange," "Mint," "Passion Fruit," "Quince," or "Black Currant"] Flavor."

The grape, passion fruit, quince, and black currant flavors were alleged to be adulterated in that mixtures of dextrose, pectin, tartaric acid, added color, and artificial flavor had been substituted for mixtures of the essential ingredients of jellies, which they purported to be; and in that the articles had been mixed and colored in a manner whereby inferiority was concealed.

The grape, passion fruit, quince, and black currant flavors were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to ingredients intended to be used in making jellies but which would not make jellies and which contained little or no fruit juice: "California Jelly-Kwik * * * Pure Fruit Flavor * * * Grape [or "Passion Fruit," "Quince," or "Black Currant"] Flavor No Fruit Juice Needed"; "Cover With paraffin if jelly is to be kept To make firmer jelly"; "Contents makes six glasses of real home-made Jelly." The orange flavor was alleged to be misbranded in that statements on the label substantially the same as those of the labels of the other products, were false and misleading when applied to an article that contained no orange juice flavor; the mint flavor was alleged to be misbranded in that the statement on the label "Pure Fruit Flavor" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained no pure fruit flavor; all varieties were alleged to be misbranded further in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement "Net Weight One Ounce" appeared only in a relatively inconspicuous manner on the back panels.

On July 13, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27660. Adulteration and misbranding of jams. U. S. v. Anna Myers Pure Foods, Inc. Plea of guilty. Fine, $180 of which $130 was suspended. (F. & D. No. 38654. Sample Nos. 8809–C, 8810–C, 8813–C, 9300–C.)

These products all contained less fruit and more sugar than jams should contain. Some lots contained added acid and some contained both added acid and added pectin.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Anna Myers Pure Foods, Inc., Passaic, N. J., alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 18 and September 21, 1936, from the State of New Jersey into the State of Connecticut of quantities of jams that were adulterated and misbranded. The articles were labeled in part: "Mrs. Anna Myers Pure Food Products, Newark, N. J. * * * Pure Home Made Blackberry [or "Cherry," "Raspberry," or "Damson Plum"] Jam."

The articles were alleged to be adulterated in that sugar in the case of the damson plum and a part of the raspberry jams; sugar and acid in the case of the remainder of the raspberry jam and the blackberry jam; and sugar, acid, and pectin in the case of the cherry jam, had been mixed and packed with them so as to reduce and lower their quality; in that articles inferior to jams had been mixed in a manner whereby their inferiority to jams was concealed; and in that mixtures of fruit containing less fruit and more sugar than jams contain (the blackberry and part of the raspberry containing added acid and the cherry containing added acid and pectin), had been substituted for the blackberry, cherry, raspberry, and damson plum jams respectively, which they purported to be.

The articles were alleged to be misbranded in that they were offered for sale under the distinctive names of other articles in that the jar labels bore the statements, "Pure * * * Blackberry Jam," "Pure * * * Cherry Jam," "Pure * * * Raspberry Jam," and "Pure * * * Damson Plum Jam;" that the aforesaid statements on the labels were false and misleading; that said statements were applied to articles which were not jams but which bore a resemblance to jams so as to deceive and mislead the purchaser; that the articles contained a smaller proportion of fruit than jams should contain; and that the deficiency of fruit was concealed by the addition of a larger proportion of sugar than is contained in jams, and, in some instances, added acid, and in others, added acid and pectin.

On June 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $180 of which payment of $130 was suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

27661. Misbranding of canned peas. U. S. v. 98 Cases of Canned Peas (and 6 other seizure actions against the same product). Decrees of condemnation. All lots but one released under bond to be relabeled. Remaining lot ordered destroyed. (F. & D. Nos. 39079, 39086, 39087, 39088, 39543, 39877, 39878. Sample Nos. 20335–C, 20336–C, 20337–C, 20373–C, 20514–C, 21147–C, 21148–C.)

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On February 15, 1937, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 312 cases of canned peas at Providence, R. I. On or about April 30 and June 21, 1937, libels were filed against 65 cases of canned peas at Boston, Mass.; 164 cartons of canned peas at Cambridge, Mass.; and 218 cartons of the product at Malden, Mass. The libels alleged that the article had been shipped in interstate commerce by A. W. Sisk & Son in various shipments on or about December 29, 1936, and January 12 and 19, 1937, from Baltimore, Md.; and on or about March 9, 1937, from Preston, Md., and charging misbranding in violation of the Food and Drugs Act. Portions of the article were labeled: (Cans) "Eventide Brand Early June Peas * * * Distributed by R. O. Dulin Preston, Md." The remainder was labeled: "Boyer's Early June Peas * * * W. W. Boyer & Co., Distributors, Baltimore, Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature—more than 25 percent being ruptured—and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On June 25, July 9, and July 27, 1937, A. W. Sisk & Son having appeared as claimant for the product covered by three of the four libels filed in the District of Rhode Island, and Roy E. Roberts, of Baltimore, Md., having appeared as claimant for the three lots seized in the District of Massachusetts, and said claimants having admitted the allegations of the libels, judgments of condemnation were entered, and the portions of the product that were claimed were ordered released under bond, conditioned that they be relabeled. On July 3, 1937, no claim having been entered in the remaining case in Rhode Island, the product seized (six cases) was condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27662. Adulteration of potatoes. U. S. v. 360 Sacks of Potatoes. Product released under bond to be relabeled. (F. & D. No. 39120. Sample No. 33522–C.)

This product, because of excessive grade defects, was below the grade declared on the label.

On February 23, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at Cairo, Ill., alleging that the article had been shipped in interstate commerce on or about February 13, 1937, by the Wright Co. from Iola, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "Wright County Wisconsin Potatoes, U. S. Grade No. 1."

It was alleged to be adulterated in that potatoes below United States grade No. 1 had been substituted wholly or in part for United States grade No. 1 potatoes, which it purported to be.